

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Kevin David Tolejko	
	Debtor(s)
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PENNYMAC LOAN SERVICES, LLC	
	Movant
	v.
Kevin David Tolejko	
	Respondent
	And
Janessa R. Leith	
Ronda J. Winnecour, Trustee	
	Additional Respondents
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BK. NO. 19-24789 CMB

CHAPTER 13

MOTION FOR RELIEF FROM THE AUTOMATIC STAY & CO-DEBTOR STAY

/s/ James C. Warmbrodt, Esquire

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Attorney for Movant/Applicant

Date: August 6, 2020

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Kevin David Tolejko

Debtor(s)

PENNYMAC LOAN SERVICES, LLC

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And

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CHAPTER 13

**MOTION OF PENNYMAC LOAN SERVICES, LLC,
FOR RELIEF FROM THE AUTOMATIC STAY AND THE CO-DEBTOR STAY**

Movant, by its Attorney, KML Law Group, P.C., hereby requests a termination of the Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor(s).

1. Movant is PENNYMAC LOAN SERVICES, LLC.
2. Debtor, Kevin David Tolejko, and Jenessa R. Leith, co-mortgagor, are the owner(s) of the premises located at 107 Jodi Road , Beaver, PA 15009, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$305,600.00 on the mortgaged premises that was executed on July 22, 2013 . Said mortgage was recorded on July 29, 2013 at Document Number 3449978. The mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on November 19, 2015 at Document Number 3518846 in Beaver County.
4. Movant has instituted or wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required thereunder.
5. The payoff amount due on the mortgage is \$381,278.90.
6. Debtor and the Co-Mortgagor have failed to make the post-petition payments in the amount of \$1,933.97 for the months of January 2020 through August 2020
7. The total amount of post-petition arrearage is \$15,471.76.
8. Debtor(s) is/are currently delinquent in payments to the Chapter 13 Trustee in the amount of \$22,447.20, Debtor having made no plan payments in this case.
9. Although Debtor is participating in the Court's Loss Mediation Program, Movant has received

no payments from the Trustee.

10. According to Debtor's schedules, the fair market value of the premises is \$300,000.00.

11. The Senior Lien Holders on the premises are none.

12. The Junior Lien Holders on the premises are none.

13. The foreclosure proceeding filed or to be instituted were stayed by the filing of the instant Chapter 13 Petition.

14. Debtor(s) has/have no or inconsequential equity in the premises.

15. Movant has cause to have the Automatic Stay terminated pursuant to 11 U.S.C. § 362(d).

16. This motion and the averments contained therein do not constitute a waiver by the Moving Party of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant respectfully requests that this Court enter an Order modifying the Automatic Stay under Section 362 and 1301 with respect to the mortgaged premises as to permit Petitioner to foreclose on its mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal action for enforcement of its right to possession of said premises.

Date: August 6, 2020

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